

Third District Court of Appeal

State of Florida

Opinion filed January 25, 2017.

Not final until disposition of timely filed motion for rehearing.

No. 3D15-2050

Lower Tribunal No. 14-10966

William Pestle, Ph.D.,
Appellant,

vs.

City of Miami, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Jerald Bagley,
Judge.

Ralf Brookes (Cape Coral); Robert N. Hartsell and Sarah M. Hayter
(Pompano Beach), for appellant.

Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., and Eugene
Stearns, Grace L. Mead, Maria A. Fehretdinov and Veronica L. de Zayas, for
MDM Development, LLC, and MDM Retail, Ltd.; Victoria Méndez, City
Attorney, and Forrest L. Andrews, Assistant City Attorney, for City of Miami,
appellees.

Before EMAS and SCALES, JJ., and SHEPHERD, Senior Judge.

PER CURIAM.

Affirmed. See Sarasota Citizens for Responsible Gov't v. City of Sarasota, 48 So. 3d 755 (Fla. 2010) (finding private negotiations between deputy county administrator and members of the county board of commissioners, conducted for purposes of developing memorandum of understanding, did not violate Sunshine Law as no final action was taken and any violation would have been cured by subsequent publically noticed meeting of the board); Tolar v. Sch. Bd. of Liberty Cnty., 398 So. 2d 427, 429 (Fla. 1981) (“The Board’s action was not merely a ceremonial acceptance of secret actions and was not merely a perfunctory ratification of secret decisions at a later meeting open to the public.”).